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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,716	06/26/2001	Matthew J. Kraft	M01-027200	4806

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EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/892,716

Applicant(s)

KRAFT, MATTHEW J.

Examiner

Bunjob Jaroenchonwanit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/31/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-10,13-18 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10,13-18 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/31/05 has been entered.
2. This office action is in response to the submission filed 05/31/05, examiner noted that no claims were amended; claims 3-4, 11-12 and 19-20 were cancelled. Claims 1, 2, 5-10, 13-18 and 21-24 are pending for examination. Newly rejection are as stated below.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the common platform contains security feature that preventing unauthorized access of the server by a second virtual server, as claimed, in claims 1, 9 and 17, which perhaps considered as crucial feature of the claim invention must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the process of dynamically assigning address to the slave processors, as claimed in all, and the process of including transfer count to reduce overhead of the transfer, as claimed, in claims 8 and 16, which perhaps considered as a crucial feature of the claim invention must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

***Claim Rejections - 35 USC § 112***

4. The text of those sections of Title 35, U.S. Code § 112 ¶ 1<sup>st</sup> not included in this action can be found in a prior Office Action.

5. The amendment filed 05/31/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material, which is not supported by the original disclosure, is as follows: the amendment to the drawing and specification to add access barrier or mechanism (120).

The proscription against the introduction of new matter in a patent application (35 U.S.C. 132 and 251) serves to prevent an applicant from adding information that goes beyond the subject matter originally filed, the newly added claim limitations must be supported in the specification through express, implicit or inherent disclosure. Since, the original disclosure does

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not express, implicit or inherent disclose specific way of preventing access control between virtual servers by insertion of access barrier or security mechanism between layer of virtual server, as late introduction. Therefore, the new feature is considered a new matter. Accordingly, Applicant is required to cancel the new matter (the amendment to the figure 1, ¶ 21 and ¶ 26.5) in the reply to this Office Action.

Therefore, the amendment is objected to as introduces new subject matter into the original disclosure.

6. Since the new matter is required to canceled, the specification is, therefore, objected to under 35 U.S.C. § 112, ¶ 1st, as failing to adequately teach, in such clear and concise manner to enable an ordinary skill in the art to pertain, make and use to invention without undue experimentations, i.e., failing to disclose how the common server preventing second virtual to access a first virtual server, since a terminal services control, which in light of the specification is a security feature from the common platform that has been sent to a client's browser. In fact, the specification suggested otherwise, for instance, ¶39 discussed the security feature rather directed to users right rather than securing between virtual tasks, i.e., servers.

Applicant's disclosure is insufficient to allow one of ordinary skill in the art to make or use the invention without undue experimentation because applicant did not adequately disclose the necessary apparatus to perform the claimed method and programmable. See In re Gunn, 190 USPQ 402, 406 (CCPA 1976.) In fact applicant's disclosure neither includes a figure that resemblance of such claimed nor a passage that elaborate the language of the amended claims,

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i.e., common platform contains security feature that preventing unauthorized access to a first virtual server by a second virtual server.

The claim(s), therefore, contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Although Applicant's amendment cites the passages (10-11 and 24-25) to support the amendment, upon consideration examiner found the cited passages do not provide sufficient information to support the amended language, which requires, a security feature that prevent the second virtual server to access the first virtual server. Conventionally, multiple server processes, virtual servers, virtual task or multiple ASPs are known to either be hosted from the same or different platforms. Each process is also known to either be executed independently or dependently, according to application's requirement. Thus, permitting or preventing a process to access another process is normally depended upon designer desirable or application's requirement. The cited passages merely repeat claims' language and do not provide any new inventive concept apart from conventional teaching. Further, an artisan upon reading preamble of the claims, which set forth the environment for controlling remote access from a client to a virtual server, would find that the disclosure does not slightly suggest preventing a virtual server to access another virtual server at all. Thus, to accomplish this claim inventions' feature, the artisan would require undue experimentation.

Applicant is reminded that the statute required that the process of making and using in the specification must be presented in such shall, clear, concise and exact terms as to enable one ordinary skill in the art to make and use without undue experimentation, i.e., best mode contemplated. Since, at the time of applicant's invention was made, there are several concepts

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were being used for preventing unauthorized access in any number of servers, regardless whether the server is real or virtual and in light of specification the only statement, which verbatim claims' language is in ¶ 10. There are no other detail steps to accomplish such task appear anywhere else throughout the original disclosure. The cited passage, therefore, merely shows an abstract idea, which does not provide implementation steps and requirement. In fact, applicant's original disclosure did not even define the term "security mechanism" and "access barrier" and/or its functionality, in which the claimed method could be implemented or accomplished. Thus, it is insufficient to enable one ordinary skill in the art to implement the instant invention without undue experimentation.

For the above rationale, applicant clearly did not disclose invention is such full, clear, concise and exact term to enable one ordinary skilled in the art to make and set forth the best mode contemplated by the inventor of carrying out his invention. Applicant is advised to point out any passage to clarify the aforementioned issue and further amendment should accompany with specific passage citation to support the amendment, to avoid further delaying prosecution. For the above rationale, it is clear that applicant's disclosure is insufficient to allow one of ordinary skill in the art to make or use the invention without undue experimentation because applicant did not adequately disclose the necessary apparatus to perform the claimed method See *In re Gunn*, 190 USPQ 402, 406 (CCPA 1976.)

Therefore, claims 1-2, 5-10, 13-18 and 21-24 are rejected under 35 U.S.C. § 112, ¶ 1<sup>st</sup>, as failing to comply with the enablement requirement, for reason set forth in the specification objection above.

Claims 1-2, 5-10, 13-18 and 21-24 are rejected under 35 USC § 112, ¶ 1<sup>st</sup>, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon the rationale set forth above and the late filling amendment to the drawing and specification, to rebut the previous rejection. The amendment raised new matter, which are not disclosed in the original specification. Applicant presented such information merely intended to overcome the rejection, the provided information, therefore, is not part of the disclosure and cannot be used to support the claims.

To traverse examiner rejection under 35 USC § 112 ¶ 1<sup>st</sup>, applicant added a new security mechanism, i.e., access barrier, to prevent virtual access each other. Such feature is crucial for patentability determination and make and use without undue experimentation. Such information should have been disclosed or included in the original disclosure. However, applicant chose to withhold this information until it has been called for by the examiner's rejection, this is clear evident of concealment.

Applicant is advised; presenting new information excluded from the original specification is inappropriate and is not allowed. In this instance, it is clear that applicant incorporated new subject matter, which was not disclosed before in the original specification, to support the amended claims. For the above reason, it is a clear evident that applicant failed to disclose the best mode contemplated as required under 35 U.S.C. § 112, ¶ 1<sup>st</sup>.

#### ***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code § 103(a) not included in this action can be found in a prior Office Action.



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8. Claims 1, 2, 5-10, 13-18, 21-23 and 24 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Huang et al (US 2003/0195950) and Barry et al (6,615,258).

9. Regarding claims 1, 9 and 17, Huang discloses an inventive concept for a method, apparatus and computer program (hereinafter collectively referred to as “system”) for facilitates remote access by a user to a virtual desktop on a server through a web browser, comprising:

a downloading mechanism that is configured to download a terminal services control to the web browser; a receiving mechanism that is configured to receive a logon window from the server; a log on mechanism that is configured to log on to the server through the logon window (Huang-paragraph. 48); and an accessing mechanism that is configured to access the virtual desktop on the server through the web browser (Huang-paragraphs 49-51). Although, Huang ‘s teaching would be conceivable to an artisan that this obvious to deploy more than one virtual server on a same computer platforms, since it can hosted multiple application on a single computer, and, in light of specification the virtual server in fact is an application (ASP). Thus only thing that Huang does not explicitly teach is the computer, i.e., common platform, has a security mechanism to prevent a first virtual server being access by a second virtual server. Even though, examiner contends that the specification does not support the amended claims’ limitations, as rationale set forth in paragraph 3, above. However, for compact prosecution purpose, examiner interprets this portion of the claim as the terminal control, which closely and possibly related to a security feature is sent to the client terminal, but has not been sent to the second virtual terminal, therefore, the second virtual server has no mean to access the first virtual server. Based on this interpretation, Examiner submitted that Barry, whose is in the same field of endeavor, teaches the same notion, which including a common platform that provides a plurality

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of service, e.g., virtual servers, applications, each application is executing independently, therefore, none of application has sent any means to another to access another application. Further, Barry teaches the process of secure communication between client and server prior to authentication, i.e., server communicates with client terminal via secure channel, the server transfers an HTML, e.g., terminal control screen, to the client via the secure channel, the client then logs on to the server through the secure channel (Barry-Col. 4, lines 29-54; Col.11, line 65-Col.12, line 20; Fig.4).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to strengthen security in Huang's system by modifying Huang's original idea with a secure channel and terminal service notions, which are being taught by Barry. Because combining both ideas would improve security of overall system as well as reducing the number of interfaces, as suggested by Barry (Barry-Col. 9, lines 5-10).

10. Regarding claims 2, 10 and 18, Huang-Barry discloses the system further comprising a selecting mechanism that is configured to allow the user to select the server using the terminal services control (Huang-paragraph. 40).

11. Claims 5-7, 13-15 and 21-23 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Huang-Barry, as being applied to claims 1, 9 and 17 above and further in view of Microsoft "Microsoft Management Console: Overview", (hereinafter referred to as "Microsoft").

12. Regarding claims 5, 13 and 21, Huang-Barry discloses the invention substantially, as claimed, as described in their base claims, but Huang is silent to a choosing snap-ins. However, in the same field of endeavor, Microsoft teaches conceptual snap-ins for enabling the management console to handle third party application (See, Microsoft (IDS) whole document).

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Thus, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to incorporate the use of snap-ins for a sake of simplicity in dealing with a third party application, which is unavoidable in the virtual desktop environment. Because, including snap-ins feature, would enable Huang to expand its service to its client with minimum designing effort, cost and complexity.

13. Regarding claims 6, 14 and 22; Huang-Barry-Microsoft discloses the virtual desktop comprises file management (Huang-Fig. 2).

14. Regarding claims 7, 15 and 23, Huang-Barry-Microsoft discloses the system included customization capability, which can be used for any type of service, including tech support and administration (Huang fig 4; Microsoft directly relate to administrator). Thus, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to incorporate applying a system that has clearly have a capability and flexibility to perform variety of application to a specific task such as tech support and administration would have been obvious to one of ordinary skill in the art at the time of the invention was made that was a matter of application design choice.

### ***Response to Argument***

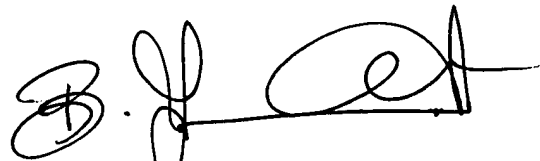
15. Applicant's arguments filed 5/26/2005 have been fully considered but they are not persuasive. The substance of argument based on the new matter, it has been considered and addressed in the above rejections.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-3913. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Bunjob Jaroenchonwanit', written in a cursive style.

Bunjob Jaroenchonwanit  
Primary Examiner  
Art Unit 2143

/bj  
8/18/05